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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7959/2017

YUSUF NAQI

..... Petitioner

Through: Mr.G.M. Akhtar and Mr.
B.P. Singh, Advs. with
petitioner in person

versus

GOVT. OF N.C.T. OF DELHI & ORS Respondents

Through: Ms.Seema Dolo and
Mr.Amit Bansal, Adv. for R-
3/CBSE.
Mr.B.S. Shukla, CGSC with
Mr. Kamaldeep, Adv. for R-
5.
Mr.Ramesh Singh, Standing
Counsel (Civil), GNCTD
and Mr.Anirudh Deshmukh,
Advs.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **26.02.2018**

1. This writ petition, filed in public interest, largely seeks enhancement of the available facilities to enable students of Government Schools to avail the opportunity of education in the disciplines of Commerce & Science and acquiring technical knowledge. The writ petition is premised on information received by the writ petitioner in response to queries made under the Right to Information Act, 2005.

2. The writ petitioner has submitted that the number of schools offering Science and Commerce as options in the higher classes, is very less compared to the total number of schools and as a result of which, students of such schools are deprived of opportunities in pursuing their studies in these disciplines. Based on the averments of the writ and voluminous data in support, the writ petitioner makes the following prayers:-

- “(i) Allow the present writ petition*
- (ii) Direct the respondents to facilitate science and commerce stream in all or maximum Government/Government Aided Schools in intermediate level.*
- (iii) Direct the respondents to frame appropriate guidelines/rules with respect to allocation of streams to at intermediate level”.*

3. The respondent-Directorate of Education, GNCTD has, in response to the notice to show cause issued by us, filed a reply affidavit dated 24th November 2017 (page 2243) and an additional affidavit dated 23rd February 2018 (page 2263). The respondents have explained therein the circumstances in which the availability of the schools and the courses has been planned by the respondents. There are several aspects which impact the decision making of the respondents which includes the extent of the geographical area; the demographic distribution; availability of Government-Aided Schools which are in addition to the schools run completely by the Directorate of Education, GNCTD amongst others. It is submitted that every effort has been made to ensure

availability of opportunities to study every discipline at a school nearest to the residence of students. However, based on individual perceptions regarding the academic environment of schools, several students are opting to study in schools which are further away from their place of residence.

In this regard, we may extract the submissions made in para 6 of the affidavit dated 23rd November 2017 which read as follows:-

“6(a) The answering respondent No.2/Directorate of Education is already divided into 29 Zones with each zone covering a small geographical area. Streams are allocated in systematic and rational manner as per the demand in every zone. Hence, no further blue-print is need in this regard. However, the answering respondent is ready to start science and commerce stream wherever a demand is raised.

(b) The answering respondent humbly submits that most of our students are accommodated in schools within 3 kilometres of their residence. However, the criteria of allocating a school within 3 kilometres are not applicable to the students of senior classes.

(c) It is pertinent to mention that attendance norms are formulated by respondent No3/CBSE. Further, low attendance will also have a negative bearing on the academic progress of students”.

(Emphasis supplied)

4. It is necessary for students to satisfy the marks criterion to enable the admissions to the Science and Commerce streams and, according to the respondents, that admission to these streams is not an absolute right.

5. It cannot however, be denied that the issue raised by the writ

petitioner is extremely important and deserves to be considered by the respondents.

6. Mr. G.M. Akhtar, learned counsel for the writ petitioner has also pointed out errors in the mapping of the schools depicted by the respondents. We are of the view that, every student should have a full and meaningful opportunity to opt for the discipline of their choice in a school at a reasonable distance from their residence.

In view thereof, it is directed as follows:

(i) The respondent shall consider the writ petition as a representation.

(ii) Opportunity shall be given by the Directorate of Education, GNCTD to the petitioner and his counsel to interact with the concerned officials and point out the discrepancy/anomalies/deficiencies in the existing facilities regarding availability of different streams in schools.

(iii) The respondents shall take a considered view on the issue raised in the writ petition as may be pointed out by the petitioner as well as by his counsel.

(iv) Needless to say, if deemed appropriate, the same may be incorporated in the existing scheme.

(v) If any deficiency noted, the respondent No.1 would obviously need to address the same as well.

(vi) The respondent may convey the date and time of the interaction to the petitioner as well as his counsel in writing by email addressed to the petitioner's counsel at the following email address i.e.

adv.akhtar@hotmail.com (Mob. No. 9999443216).

7. This writ petition stands disposed of in the above terms.
8. *Dasti.*

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

FEBRUARY 26, 2018
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